

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MYRONE RIVERA, *et al*,
Plaintiffs,

v.

C.O. HOFFMAN, *et al.*,
Defendants.

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CIVIL ACTION NO. 19-CV-3494

ORDER

AND NOW, this 8th day of August, 2019, upon consideration of Plaintiff Myrone Rivera's Motion to Proceed *In Forma Pauperis* (ECF No. 1), his prisoner trust fund account statement (ECF No. 3) and his *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Myrone Rivera, #2018-4093, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court hereby directs the Warden of Berks County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Rivera's inmate account; or (b) the average monthly balance in Rivera's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Rivera's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Rivera's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this order to the Warden of Berks County Jail.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED with prejudice** to the extent that Rivera seeks to assert constitutional claims on his own behalf. The Complaint is **DISMISSED without prejudice** to the extent that Rivera asserts claims on behalf of Christopher Roth.

6. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDGERG, J.